

UL (VNO) Cat-B Licensee's Association (Proposed)

Formerly known as DID Exchange Franchisee's Association (DEFA)

8/16 Narayan Dhuru Cross Lane, 20 Banda House 2nd Floor, Mumbai 400 003. Tel. 022 2342 6108.

To,
Shri Sanjeev Banzal,
Advisor (Network Spectrum and Licensing),
Telecom Regulatory Authority of India (TRAI).
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi – 110002.

Dear Sir,

**Sub: Counter comments on the comments submitted by TSPs/NSOs on
consultation paper issued by TRAI on 20.03.2017.**

We thank you to all TSPs, NSPs, Associations, Forum, Microsoft and ISP for submitting written comments on consultation paper issued by TRAI on 20.03.2017.

We have gone through all comments and appreciate their concerns and thanks all for support.

In respect of the above written comments, we say as under:-

A. Mobile Service:-

Please refer clause No. 2 on page No. 43 of License Agreement for Unified License for VNO part-II Chapter VIII, Access service. Which reproduced below:-

“Scope of Access Service: Scope of the authorization covers the following:

2.1 (a) (i) The Access Service under this authorization covers collection, carriage, transmission and delivery of voice and/or non-voice MESSAGES over Licensee's & or NSO's network in the designated Service Area. The Licensee can also provide Internet, Telephony, Internet Services including IPTV, Broadband Services and triple play, i.e. voice, video and data. While providing Internet Telephony network with PSTN/PLMN/GMPCS network. The Licensee may provide access service, which could be on wireline and/or wireless media with full mobility, limited mobility and fixed wireless access.”

The above clause authorized UL (VNO) Cat-B Licensee to provide all services mentioned therein.

In respect of objections raised for mobile service, please refer clause 2.1 (a) (viii) of Chapter-VIII Access Service of License Agreement for Unified License for VNO.

“(viii) The Licensee may offer “Home Zone Tariff Scheme (s)” as a subset of full mobile service in well-defined geographical Areas through a tariff of its choice within the scope of orders of TRAI on the subject. Numbering and interconnection for this service shall be same as that of fully mobile subscribers.”

This concept can be used for create virtual zones of operation by the mobile NSO for the UL (VNO) Cat-B Licensee.

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Secondly the UL (VNO) Cat-B License are dependent on parent NSO for the services, the roaming issue can be handle by parent NSOs, even if UL (VNO) Cat-B Licensee is providing service in to district by parenting to two different NSOs.

Therefore the concerns raised can be addressed.

B. Multiple TSP:-

The objections were raised for multiple TSP was of following nature:-

1. Bypass of STD/ISD traffic.
2. Lead to some gaps in security.
3. Non feasible area.
4. Redundancy.
5. SLA.

1. Bypass of STD/ISD traffic:-

Since last 11 years DID Franchisees worked with multiple TSPs (including Airtel, MTNL and TTML) for the purpose of business acquisition and operational redundancy. There is no established fact that the NSOs/TSPs loss its revenue at any given time. As all traffic always goes and comes through network of NSOs/TSPs. This fact is proved that there is no substance in argument advanced by some TSPs/NSOs.

2. Lead to some gaps in security:-

There is no specific example provided by service providers to establish that by selecting multiple NSOs/TSPs leads to some gaps in security, as the traffic always goes through network of NSOs/TSPs. The control of MSN is always with NSOs/TSPs only. Therefore worked with multiple TSPs/NSOs cannot lead to some gaps in security.

3. Non feasible area:-

Yes, may be in some cases third party media was hired but only for commercial customers and not for the residential users. In most of the cases above provision were not adopted by NSOs/TSPs to extend services to DID Franchisees.

4. Redundancy:-

It is established fact that when trunk/black fiber breaks, it takes 3-4 days to normalize operations but in most of the cases it takes a week or so. In many cases no QoS is observed by NSOs/TSPs. Therefore it is difficult for DID Franchisee to maintained QoS and level of service goes down which affect negativity in business. Thus goodwill suffers.

5. SLA:-

We do not recollect in last 17 years (i.e. since year 2000) any TSP/NSO provided Service Level Agreement for Voice services to any of our DID Franchisee. Please note that ISP/STD/ILD service providers are allowed to have connectivity from more than one NSO / TSP, in spite having SLA with first service provider for operational redundancy and business acquisition.

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While promoting/supporting one TSP view point, the service providers failed to consider utilization of other TSPs/NSOs excess/unitized network and spectrum, except their own network and spectrum in one hand and self centered, monopolistic approach in other hand without considering telecom requirement of common man as well as MSME status of DID Franchisee.

C. Penalty:-

Please refer Para one of Guidelines No. 800-23/2011-VAS (Vol-II) dated 31.05.2016 for Grant of Unified License (Virtual Network Operators) which is reproduce as under:-

“One of the strategies for seamless delivery of converged services is to move towards a Unified License regime and facilitate delinking of licensing of networks from the delivery of services so that Telecom Service Providers (TSP) can utilize their networks and spectrum by sharing active and passive infrastructure and also to facilitate resale at service level by introduction of Virtual Network Operators (VNOs).”

The above fact proved beyond doubt that the network and spectrum belongs to TSP/NSO and not to UL (VNO) Cat-B Licensee.

UL (VNO) Cat-B Licensee is only extending services and facilitates resale at service level. Therefore UL (VNO) Cat-B Licensee may be exempted from penalty and QoS for network belonging to TSP/NSO.

We, as a DID Franchisee, having very small wire line network and we are ready to accept QoS as per our request mentioned in comments dated 01.05.2017 on Consultation Paper dated 20.03.2017 and reduced penalties as a deterrent relating to our network and responsibilities.

D. Net worth, Equity, Entry Fee, PBG & FBG:-

Please refer our comments on Question No. 4 & 5 dated 01.05.2017 on Consultation Paper dated 20.03.2017.

We have obliged by the Authority for starting process of recognizing DID Franchisee in License regime. We appeal the Authority to issue recommendations considering above facts, support from eleven participants out of fifteen to various aspects of DoT order No. 20-507/2016 AS-I dated 05.07.2017 and taking in to consideration of our MSME status, tiny network, human resources, financial strength, commitments to quality and cost of service as well as benefit to the end users/common man.

Thanking you in anticipation,

For UL (VNO) Cat-B Licensee's Association (Proposed),
Formerly known as DID Exchange Franchisee's Association (DEFA),
Ashok Kanade
(Secretary)

Date: 06.05.2017

Place: Mumbai